

### **REMARKS**

Applicants gratefully acknowledge the Examiner's statement that claims 14-20, 25-30 and 32 would be allowed if rewritten in independent form. In response, Applicants have rewritten claims 14, 25 and 32 in independent form, and claims 14-20, 25-30 and 32 are therefore in condition for allowance.

Turning to the remaining claims, the Examiner rejected claims 12, 13, 21-24 and 31 as being anticipated by or made obvious over U.S. Patent No. 5,607,252 to Tischer. The Examiner also rejected claims 12 and 22 as being anticipated by U.S. Patent No. 6,340,268 to Alberson. In response, Applicants have amended claims 12 and 23, and added new claim 57, which claims are now in condition for allowance for the following reasons.

#### **Claim 12:**

Claim 12 now recites that the deflector skin includes an "inner surface [having] a *concave* shaped curved contour shaped to mate with and facing said *convex* shaped curved portion of said outer surface of at least one of said cylinders forming said side of said array." In contrast, Alberson discloses a *convex* shaped surface of cylinder 30 (applied as the deflector skin by the Examiner) mating with a *convex* shaped surface of cylinder 18 (Col. 2, lines 60-65, FIG. 3) (Office Action at 5). Accordingly, Alberson does not disclose all of the limitations of claim 12 as amended, and the Examiner's rejection should be withdrawn.

Claim 12 also now recites that the "at least one deflector skin extends around *only a portion of said perimeter* of said at least one of said cylinders." In contrast, Tischer discloses that the sheath 72 (applied by the Examiner as the deflector skin) wraps around the *entire* perimeter of the block 70, and that "a piano-type hinge joins

the ends of the sheath." (Col. 6, lines 41-54, FIGS. 7 and 8). Accordingly, Tischer fails to disclose a deflector skin extending around only a portion of a cylinder.

Moreover, there is no suggestion to modify the sheath of Tischer to extend around only a portion of the foam block. In particular, Tischer is silent as to any connection between the sheath and block, other than to disclose that the sheath fits snugly around the block with both ends of the sheath being secured one to the other (Col. 6, lines 41-54, FIGS. 7 and 8). Accordingly, if the sheath extended around only a portion of the block, it could not be secured to the block and it would fall off, thereby rendering the device inoperable for its intended purpose. In this regard, Applicants note that the clips 86 merely hold one sheath to another, rather than holding any of the sheaths to a corresponding block (Col. 6, line 65 to Col. 7, line 8). For all of these reasons, claim 12 is patentable over Tischer and Alberson and notice to that effect is earnestly solicited.

**Claim 23:**

Claim 23 now recites that the deflector skin includes "a leading edge and a trailing edge, wherein said leading edge of said at least one deflector skin is secured to said at least one cylinder *forwardly* of said tangent on said at least one cylinder, and wherein said trailing edge is positioned *rearwardly* of said tangent on said at least one cylinder." In contrast, as discussed above, the sheath 72 of Tischer extends around the entire perimeter of the block 70, with the leading and trailing edges being positioned *adjacent each other* and necessarily on the *same side* of the tangent, regardless of whether it is forward or rearward thereof. Accordingly, Tischer fails to disclose or suggest all of the limitations of claim 23.

Moreover, as explained above, Tischer teaches away from separating the leading and trailing edges. Accordingly, there also is no suggestion to modify Tischer

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as set forth in claim 23. Accordingly, claim 23 is allowable over Tischer and notice to that effect is earnestly solicited.

**Claim 57:**

New claims 57 recites an “inner surface [having] a *concave* shaped curved contour shaped to mate with and facing said *convex* shaped curved portion of said outer surface of at least one of said cylinders forming said side of said array,” and is therefore patentable over Alberson for the reasons set forth above.

In addition, claim 57 recites “at least one deflector skin made at least in part of *metal*.” In contrast, Tischer discloses that the sheath 72 is made of a NYLON and carboxylated nitrel rubber combination (Col. 6, lines 53-54). As explained by Tischer, one object of the his invention is to provide an energy absorbing system “wherein the elements of the system are constructed and arranged to collapse as the impact of an automotive vehicle is absorbed and to substantially return to their original configuration with little or no help as soon as the vehicle which impacted them is removed” (Col. 2, line 65 to Col. 2, line 4; see also Col. 6, lines 6-21). Accordingly, Tischer teaches against using a metal sheath, which would not likely respond to the restoring action of the foam block, but rather would be permanently deformed upon the impact of a vehicle.

For these reasons, Applicants submit that claim 57 also is in condition for allowance.

**CONCLUSION:**

After Amendment, this application has 23 claims, including six independent claims. Applicants previously paid for 56 claims, including six independent claims. Accordingly, no additional claim fees are believed to be due. If for any reason this application is not considered to be in condition for allowance and an interview would

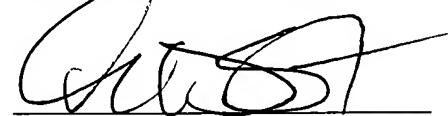
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be helpful to resolve any remaining issues, the Examiner is respectfully requested to call the undersigned attorney at (312) 321-4713.

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By:

Respectfully Submitted,



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